

OPINION
49-79

March 14, 1949 (OPINION)

GAME AND FISH

RE: Licenses

Your letter of March 12, relating to section 20-0305 of the Revised Code, has been received and referred to my desk.

This section in the Revised Code has been amended by the Laws of 1945. This amended section gives you a discretion as to whether or not to issue license to any of the enumerated classes. However, if a person in either of these classes is clearly entitled to a license, I think it would be an abuse of discretion to refuse to issue the license.

This section as amended provides for the issuance of licenses to men in the military services. I do not think it makes any differences whether we are in a state of war or in an actual fighting war. A man in the military service is just as much in the military service in time of peace as in time of war. Actually, at the present time the United States is in a state of war with the axis powers. The president has issued a proclamation terminating hostilities, but still the declaration of war has never been altered by a peace treaty. This office has a number of times held that we are still in a state of war.

That portion of section relating to courtesy licenses to men in the Game and Fish Department work, of course, is not controlled in any manner by the question of state of war or peace, and you can issue licenses to these people at any time you see fit.

WALLACE E. WARNER

Attorney General